THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.10145 of 1998

11th July 2006

Between:

V.Ramachandra Rao, S/o.V.Jaganatha Rao, 60 years, Record Sorter (Retired), Railway Hospital, Vijayawada, C/o.V.Gopal Reddy, H.No.21-10-84 First Lane, Srinagar, Near STPM Railway Quarters, Vijayawada-11, Krishna District.

...PETITIONER

AND

1. The General Manager, South Central Railway, Secunderabad.

And two others.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.10145 of 1998

ORDER: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard Sri M.Panduranga Rao, the learned counsel appearing on behalf of the petitioner and Sri R.S.Murthy, the learned Standing Counsel appearing on behalf of the respondents.

The petitioner filed this Writ Petition, *inter alia*, seeking to assail the order dated 08.04.1996 in O.A.S.R.No.3940 of 1995 and the order dated 06.03.1997 in R.A.No.49 of 1996 in M.A.No.95 of 1996 in O.A.S.R.No.3940 of 1995 on the file of the Central Administrative Tribunal, Hyderabad ('the Tribunal' for brevity) and further seeks a declaration that he is entitled to be absorbed in the equivalent post of Senior Clerk/Senior Commercial Clerk with effect from 24.11.1989 in the scale of Rs.1200-2040 with the pay of Rs.1,380/-, which was last drawn by him before the accident.

The case of the petitioner, in brief, is that having regard to the fact that he was involved in an accident, he was placed under Workmen Compensation Act in Sick List at Serial No.176 vide B/MD.84/R dated 26.04.1989 and subsequent to his discharge from the hospital, he was given posting in Class-IV Group D post of Record Sorter with the scale of Rs.800-1150. He made several representations about his entitlement, but the same was not given. The petitioner also pointed out that the payment of salary and other benefits in the entire period of hospitalization and the treatment are not related to the present post. Against the same, the petitioner filed an application before the Tribunal to extend benefits. After taking into consideration the long delay of almost seven years, the Tribunal did not find favour with the reasons explained in the application filed in support of the petition and dismissed the same.

Having heard on either side and on perusal of the material available on record, it is seen that there is no dispute to the fact that the petitioner was involved in the accident and subsequently; he was given the posting on 24.11.1989. For that period, the petitioner sought entitlement. Though the petitioner states that he has filed various

representations, his case was not considered. The fact remains that except filing several representations, no proper steps have been taken by him as contemplated under the law. Admittedly, the petitioner has been in service and working as such and disputing his duties all along since the date of posting. Having regard to the same and especially in the absence of proper explanation forthcoming, we do not find any reason to accept the request to condone the delay. The Tribunal has rightly dismissed his application. Hence, we do not find any merits in the Writ Petition.

The Writ Petition is accordingly dismissed. No costs.

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(B.PRAKASH RAO, J)

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(RAMESH RANGANATHAN, J)

11th July 2006
RRB